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Attorney for Plaintiff, JOSHUA ASSIFF

Attorney for Plaintiff, JOSHUA ASSIFF

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JOSHUA ASSIFF,

**Plaintiff,**

V.

**COUNTY OF LOS ANGELES;  
SHERIFF DEPUTY BADGE  
NUMBER 404532;  
And DOES 1 through 10,**

### **Defendants.**

Case No. 2:22-cv-05367 RGK (MAAx)

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN OPPOSITION TO  
DEFENDANTS' MOTION IN LIMINE  
#8**

Action Filed: August 3, 2022  
Pretrial Conference: July 10, 2023  
Trial Date: July 25, 2023

Assigned to: Hon. R. Gary Klausner,  
District Judge, Courtroom 850

Plaintiff, JOSHUA ASSIFF (hereinafter “Plaintiff”) hereby respectfully submits the following memorandum of points and authorities in opposition to Defendants’ motion in limine #8 to preclude any “evidence, references, argument and testimony by Plaintiff JOSHUA ASSIFF and his counsel to Plaintiff’s youth or immaturity.”

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1       **I. INTRODUCTION**

2              Plaintiff is a 21-year old black male and a student at Antelope Valley College  
3 where he plays basketball. Plaintiff was driving from his home to a teammate's house  
4 in order to carpool to basketball practice. For no apparent reason and without  
5 probable cause, KELLY, a male Caucasian motorcycle Sheriff deputy, pulled  
6 Plaintiff over. For no apparent reason and without probable cause, KELLY – as well  
7 as other deputies who subsequently responded to the call – all tasered, choked, pepper  
8 sprayed, beat and arrested Plaintiff. Plaintiff has asserted the First Cause of Action  
9 against KELLY for violation of 42 USC § 1983 (arrest without probable cause and  
10 with excessive force).

11             At the time of the incident, Plaintiff was 20.

12       **II. THIS MOTION SHOULD BE DENIED**

13              Defendants argue that evidence of Plaintiff "youth or immaturity" should be  
14 precluded. However, *Defendants fail to cite to any authority for the proposition that*  
15 *such general background information should be withheld from the jury.* This  
16 information is relevant for the jury to understand the general context in which the  
17 incident occurred, as well as relevant to the calculation of damages. Future suffering  
18 must be based upon Plaintiff's future anticipated life span which of course must be  
19 determine by Plaintiff's current age.

20       **III. THIS MOTION IS VAGUE AND AMBIGUOUS AS TO WHAT  
21 EVIDENCE IT REFERS TO, AND SHOULD BE DENIED**

22              Defendants argue that evidence of Plaintiff "youth or immaturity" should be  
23 precluded. However, it is unclear what evidence this motion refers to. It could  
24 arguably apply to references to the fact that Plaintiff is a student and was on his way  
25 to basketball practice. Thus, any order based upon this motion would be fatally vague,  
26 and Plaintiff would not know how to comply with the order or what might violate it.

1      **IV. CONCLUSION**

2      For the reasons set forth above, this motion should be denied.

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4      DATED: June 30th, 2023      The Law Office Of Thomas M. Ferlauto, APC

5      By: \_\_\_\_\_

6      Thomas M. Ferlauto

7      Attorney For: Plaintiff, JOSHUA ASSIFF

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